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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY 2010 MAR 15 AP 10: 04

BEFORE THE ADMINISTRATOR

REGIONAL DEARTHO CLER.;

In the Matter of:	
Bug Bam Products, LLC; and Flash Sales, Inc.,))) Docket No. FIFRA 09-2009-0013)
Respondents.	

BUG BAM PRODUCTS, LLC'S RENEWED MOTION TO DISMISS

Respondent Bug Bam Products, LLC ("Bug Bam"), by and through its attorney Martha E. Marrapese, Partner, Keller and Heckman LLP, 1001 G St., N.W., Suite 500 W, Washington, DC 20001, telephone: 202-434-4123, fax: 202-434-4646, email: marrapese@khlaw.com, hereby moves to dismiss this action, pursuant to Rules 22.16(a) and 22.20(a) of the Consolidated Rules of Practice, 40 C.F.R. §§ 22.16(a), 22.20(a). Bug Bam has already moved to dismiss this action based on the Original Complaint and now renews this motion in light of the First Amended Complaint ("Amended Complaint") filed in this matter by Region IX of the United States Environmental Protection Agency ("EPA" or "Complainant"). The Amended Complaint fails to state a claim for which relief can be granted. The reasons supporting this motion are set forth in more detail in the accompanying Second Amended Memorandum of Law in Support of Respondent's Renewed Motion to Dismiss, attached herewith and superseding both the Amended Memorandum of Law filed on December 9, 2010 and the Reply to Complainant's Response to Bug Bam's Motion to Dismiss, filed on December 28, 2009. A proposed order is also attached for the Court's consideration.

WHEREFORE, for the good cause shown in the Second Amended Memorandum of Law, Bug Bam respectfully requests that the Court grant this Renewed Motion to Dismiss and dismiss the Complaint against Bug Bam with prejudice.

Dated this 11 day of March, 2010

Martha H. Marrapese, Esquire Keller and Heckman LLP 1001 G Street, N.W.

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